

A Toolbox for LPAs

Updated 10/2022

Items described and included in this “LPA toolbox” are meant to serve as a summary and overview. This document is a condensed version of procedures and samples of documentation that are necessary when acquiring real estate for construction projects with state and/or federal money used anywhere in the project. It is important to remember that other forms and documentation may also be needed in the process. Municipalities must contact their Local Program Real Estate Project Manager (LPREPM) before beginning the acquisition process. LPAs must work with a WisDOT LPREPM on projects with state/federal funds.

Sample Forms are available upon request. Official forms and letter templates are in READS (Real Estate Automated Data System). Contact your LPREPM for access.

For State and/or Federal Funds in Real Estate

WisDOT approvals needed BEFORE acquisition begins:

- Environmental Report (ER) and Design Study Report (DSR) approved.
- Acquisition Stage Relocation Plan, if any relocations; submit to LPREPM and WisDOT Statewide Relocation Coordinator for review and approval.
- Qualified individual from Municipality completes Project Cost Estimate and submits to LPREPM.
- Right of Way Plat and Relocation Order approved and filed/recorded or Construction Plan complete if right of way costs, including utilities, are under \$1000; approved by municipalities.
- Real estate funding authorized by LPREPM.
- Acquisition Capabilities Statement - State and/or Federal Funding submitted to LPREPM for approval.
- Consultant contracts approved by LPREPM. Contracts must use WisDOT standard language and forms

Negotiations cannot begin until funding has been authorized and Relocation Order has been approved!

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Begin acquisition process:

- Conduct Startup Meeting.
- Order title searches.
- Create the Sales Study or Expanded Sales Study; verify w/LPREPM to determine which type should be done on project; WisDOT approves.
- Determine which parcels need appraisals and which will utilize waiver valuations (non-complex, under \$25,000 in damages).
- Send letter to all property owners on plat w/brochure ‘Rights of Landowners Under Wisconsin Eminent Domain Law’ informing them of upcoming project and staking to be done on their property.
- Create Nominal Payment Parcel Report (NPPR) to report waiver offering prices based on Sales Study/Extended Sales Study; submit report w/supporting information to LPREPM for approval.
- Complete appraisals; submit appraisal with Offering Price Report & Submittal for WisDOT approval.
- Create parcel file with Negotiation Diary and all appropriate documents needed for negotiations; file must also have any correspondence sent or received.
- Meet with property owner; explain ‘Rights of Landowners...’ brochure, discuss project impacts to their property; present offer; listen and respond to owner questions and concerns.
- Documents requiring owner’s signatures: Conveyance w/legal description, Nominal Payment Parcel - Waiver Of Appraisal (If Applicable), Statement to Construction Engineer, Closing Statement, and form IRS W-9 (if proceeds are \$600+).
- Obtain Partial Releases of Mortgage
- Negotiation Diary: Throughout the process, document (tell the story) all conversations/correspondence about the specific parcel; note owner concerns, questions, etc. (see sample diary in packet). Note when owner has been paid and when conveyance was sent for recording; negotiator must sign full name on first entry, then initials on all others; negotiator must sign and date bottom when negotiations are completed.
- Cut check and deliver/mail to property owner; owner MUST be paid BEFORE conveyance can be recorded!
- Record conveyance. Temporary Limited Easements (TLE) and Temporary Right of Entry Easements should be recorded.
- Complete Certification of Local Public Agency (LPA) Right of Way Acquisition and send it with supporting documentation to LPREPM upon completion of all acquisition
- If requesting reimbursement, follow the process in the LP Real Estate Manual and work with LPREPM

For Local Funds Only Used for Real Estate Acquisition

WisDOT approvals needed BEFORE acquisition begins:

- Environmental Report (ER) and Design Study Report (DSR) approved.
- Acquisition Stage Relocation Plan, if any relocations; submit to LPREPM and WisDOT Statewide Relocation Coordinator for review and approval.
- Right of Way Plat and Relocation Order approved and filed/recorded or Construction Plan complete if right of way costs, including utilities, are under \$1000; approved by LPA.
- Acquisition Capabilities Statement - Local Funding submitted to LPREPM for approval.
- Contracts approved (e.g., title searches; negotiations; appraisals; relocation, if applicable). Contracts must use WisDOT standard language

Negotiations cannot begin until funding has been authorized and Relocation Order has been approved!

Begin acquisition process:

- Conduct Startup Meeting.
- Order title searches.
- Create the Sales Study or Expanded Sales Study; verify w/LPREPM to determine which type should be done on project. Approved by LPA
- Determine which parcels need appraisals and which will utilize waiver valuations (non-complex, under \$25,000 in damages).
- Send letter to all property owners on plat w/brochure 'Rights of Landowners Under Wisconsin Eminent Domain Law' informing them of upcoming project and staking to be done on their property.
- Create Nominal Payment Parcel Report (NPPR) to report waiver offering prices based on Sales Study/Extended Sales Study; LPA approves.
- Complete appraisals, conduct appraisal review, create appraisal review report and approve.
- Create parcel file with Negotiation Diary and all appropriate documents needed for negotiations; file must also have any correspondence sent or received.
- Meet with property owner; explain 'Rights of Landowners...' brochure, discuss project impacts to their property; present offer; and listen and respond to owner questions and concerns.
- Documents requiring owner's signatures: Conveyance w/legal description, Nominal Payment Parcel - Waiver Of Appraisal (If Applicable), Statement to Construction Engineer, Closing Statement, and form IRS W-9 (if proceeds are \$600+).
- Obtain Partial Releases of Mortgage or follow project and parcel risk assessment in the LP Real Estate Manual 1.13.1
- Negotiation Diary: Throughout the process, document "tell the story" all conversations/correspondence about the specific parcel; note owner concerns, questions, etc. (see sample diary in packet). Note when owner has been paid and when conveyance was sent for recording; negotiator must sign full name on first entry, then initials on all others; negotiator must sign and date bottom when negotiations are completed.
- Cut check and deliver/mail to property owner; owner MUST be paid BEFORE conveyance can be recorded!
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- Complete Certification of Local Public Agency (LPA) Right of Way Acquisition and send it with supporting documentation to LPREPM upon completion of all acquisition

IMPORTANT REMINDERS & NOTES

- *Work with LPREPM on required documentation needed for your files and WisDOT files.*
 - *All files are subject to review throughout the project by the LPREPM, as well as state and/or federal audits to verify LPAs have followed the Uniform Act and have maintained appropriate documentation for each project and parcel file.*
 - *This is a very condensed version of the acquisition process. It was developed as a basic "LPA toolbox" only. You must reference the Real Estate Program Manual (REPM) and the LP Real Estate Manual for additional acquisition procedures or contact your LPREPM. Access to both WisDOT manuals is available through the Wisconsin Department of Transportation website.*
 - *Official forms and letter templates are contained in READS (Real Estate Automated Data System)*
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Attachments: LPREPM contacts, sample PSE schedule, sample startup meeting agenda, diary sample, Waiver of Appraisal offering package checklist, Appraisal offering package checklist, LPA PROJECT file checklist; LPA Waiver of Appraisal parcel file checklist, LPA Appraisal parcel file checklist

WisDOT Local Program Real Estate Contacts

North Central (NC)	Jay Viste	(920) 360-1672	EJay.Viste@dot.wi.gov
Southwest (SW)	Abby Ringel (interim)	(920) 883-8324	Abigail.Ringel@dot.wi.gov
Northwest (NW)	Abby Ringel (interim)	(920) 883-8324	Abigail.Ringel@dot.wi.gov
Southeast (SE)	MeriKate Bock	(262) 548-8781	merikatherine.bock@dot.wi.gov
Northeast (NE)	Jay Viste	(920) 360-1672	EJay.Viste@dot.wi.gov
Statewide	Abby Ringel	(920) 883-8324	Abigail.Ringel@dot.wi.gov

Task	Scheduled Dates		Actual	Additional Days	Comments
Real Estate Project Start Date	10/1/2021	26 months before PS&E		0	Enter appropriate dates. Schedule will work backwards of PS&E
Conceptual Stage Reocation Plan	10/1/2021			0	
Real Estate/Utility Coordination				0	
Encumbrance Cost Estimate/PCA Completed	10/7/2021	30 days before prelim plat		0	
Preliminary Plat submitted to RE	11/6/2021	21 days before scoping completion		0	
Appraisal & Acquisition Scoping Completed	11/27/2021	21 days before contract started		0	
Contracts started	12/18/2021	56 days before contract complete		0	
DSR Approved	2/5/2022	14 days before plat recording		0	
Consultant (acq, relo, appraisal) Contracts Completed / Internal staff assigned	2/12/2022	21 days before start up meeting		0	
Plat Recorded	2/19/2022	14 days before start up meeting		0	Enter in READS/check title
Start Up Meeting	3/5/2022	42 days before sales study submitted		0	
Sales Study Submitted for review	4/16/2022	40 days before Sales study Approval		0	
Acquisition Stage Relocation Plan	5/20/2022	90 days after plat recorded		0	
Staking	5/19/2022	21 days before NPPR submitted		0	
Sales Study Approved	5/26/2022	14 days before NPPR submitted		0	
NPPR submitted for review	6/9/2022	21 days before NPPR approved		0	
NPPR Approved	6/30/2022	21 days before nominal offers out		0	
Nominal offers out	7/21/2022	30 days before flipping		0	
Flip remaining nominals	8/20/2022	45 days before appraisal submission		0	
appraisal submitted for review	10/4/2022	60 days before apraisal approval		0	
Contract Amendment					enter additional days as needed
appraisal approved	12/3/2022	14 days before offer date		0	
offer/relocation packet to owner	12/17/2022	90 days before JO date		0	
Owner's appraisal due (if applicable)	2/15/2023	60 days after appraisal delivered		0	
Finalize agreed negotiations	3/3/2023	14 days before JO date		0	
Last date to JO	3/17/2023	45 days before Target date		0	
Order Checks	3/23/2023	21 days before paying owner		0	
JO expiration date	4/6/2023	20 days after JO		0	
Owner Paid	4/13/2023	7 days before recording		0	
Signed Conveyance Recorded	4/20/2023	7 days after Owner paid	11/1/2022	-170	
Award recorded	4/20/2023	14 days after JO Expiration	1/1/2023	-109	
Utility Added after RE Acquisition		see job aid to determine additional days			
Relocations vacated	6/4/2023	must be vacated before razing contract awarded		0	
razing (begin contract docs, contact BPD, Advertise, bid opening, Contract award, Demo)	6/4/2023	begin 6 months before PS&E		0	
Target Acquisition Date/Utility date	5/1/2023	7 mths before PS&E		0	
Documents submitted for Review (LPA)	11/3/2023	28 days before PS&E		0	
Relocation Assistance & Advisory Services		Relocation assistance and advisory services are			
PS&E	12/1/2023	Clear Date	2/25/2023	-279	
Ad					
Let date					
# days		780			
#months		26.0			

REAL ESTATE START-UP ACQUISITION MEETING AGENDA

Project ID ____ - ____ - ____ Project name

Limits

LPA Sponsor and County

Date

Meeting Location

Call in – ____ - ____ - ____ access code _____

Virtual access –

Introductions:

List individuals invited and additional members of project team here, include company/agency, title/role, phone number & email address

Funding: _____ Example: State funding in Real Estate

The Project and Parcel Details:

Reason for the project: _____

Trail Project? Yes / No

The process and documentation are different since the agency does NOT have condemnation authority. Get the process and documents from the LPREPM.

Total Number of Real Estate Parcels: _____

Number of Utility Release of Rights: _____

Who is obtaining Utility Release of Rights? _____

Utility coordinator must provide RE with names and contact information for utility companies. Identify specific utilities that will be acquired via the real estate process.

Relocation Parcels _____

Number of Appraisals: _____

Type of Appraisals: _____

Number of Waivers: _____ (starting out)

Sensitive/Priority Parcels: _____

Railroad Parcels: _____

Billboards: _____

State/County/Municipality owned Parcels: _____

Encroachment Report prepared by _____ on _____

And approved by _____ on _____

_____ encroachments to be removed prior to construction

_____ encroachments are allowed and each encroachment will be issued a Revocable Occupancy Permit.

Hazmat concerns: _____

Schedule and Approvals:

Project PS&E date: _____

Project Letting date: _____

Environment Document Approved: _____

DSR (Design Study Report) Approved: _____

Final R/W Plat Approved: _____

Acquisition Capability Statement Approved: _____

Plat will be recorded: _____ Filed: _____

Real Estate Clear date: _____ 28 days prior to PS&E

Offers to be mailed by: _____

Appraisals completed by: _____

Responsibilities:

Title Work and Updates to be provided by: _____

Introduction Letters and Brochures to be sent to property owners by _____ on _____

R/W Staking to be accomplished by: _____ no later than _____

Utility Release of Rights to be secured by: _____

Establishing Parcel Values:

1) Cost Estimate will be prepared by: _____

2) Expanded Sales Study will be prepared by: _____

Reviewed by _____ and Approved by _____

3) TLE time frame will be from the date of the appraisal to the end of construction.

Construction will Start _____ and End _____

4) Appraisals will be prepared by: _____

Reviewed by _____ under \$10,000 _____ over \$10,000.

Appraisal Reviewer to prepare and sign the OPR (Offering Price Report). Additionally,

OPRs will be approved by: _____

5) Nominal Payment Parcel Report will be prepared by: _____

NPPR will be reviewed by: _____ and
recommend approval to _____.

6) Administrative Revisions will be reviewed by _____, approved by
_____ and then _____

Process for Negotiations / Documents required for Certification of R/W (1)

WisDOT RE Forms to be used in READS

Partial Release of Mortgage are required on all parcels with Fee Acquisition

Minimum Offer will be: _____

Negotiation Diaries are to be signed. /s/ with a typed name is acceptable.

Statement to Construction Engineer should be signed by the property owner, negotiator and LPA. Note "None" if no commitments were made.

Local Certification of LPA R/W, Form LPA 3028 to be prepared by _____
signed and dated by _____.

Supporting documents are to be in READS. (see LPREPM)

Other Issues:

Relocation: _____

Fixtures: _____

Remnant Parcels _____

Certified Survey Maps / Plats of Survey _____

Waiver of Appraisal offering package checklist

	Copies of all waivers of appraisal made on parcel
	Copies of project's R/W plat showing owner's affected property, highlighted
	Initiations of negotiations letter
	Legal description
	Map showing all property affected by project
	Names of at least ten or more neighboring property owners to whom offers will be made
	Conveyance Document
	Statement to the Construction Engineer
	W-9, if applicable
	Brochure
	Authorization for Partial Release
	Self-addressed stamped envelope
	Business card/contact information
	Plan Sheets
	Aerial Overlay
	Copies of quit claim deeds if there are other parties of interest

Owner Name	
Project ID	
Parcel #	
Date offer given	
Method given	<input type="checkbox"/> Mail <input type="checkbox"/> hand delivered <input type="checkbox"/> certified mail

Official Forms are housed in READS

Appraisal offering package checklist

	Appraisal Guidelines and Agreement (RE 1003)
	Copies of all appraisals made on parcel. *Does not include draft appraisal(s)
	Copies of project's R/W plat showing owner's affected property, highlighted
	Initiations of negotiations letter
	Legal description
	Map showing all property affected by project
	Names of at least ten or more neighboring property owners to whom offers will be made
	Proposed Agreement for Purchase and Sale of Real Estate
	Conveyance Document
	Statement to the Construction Engineer
	W-9, if applicable
	Brochure
	Authorization for Partial Release
	Self-addressed stamped envelope
	Business card/contact information
	Plan sheet
	Aerial overlay
	Copies of quit claim deeds if other parties of interest

Owner Name	
Project ID	
Parcel #	
Date offer given	
Method given	<input type="checkbox"/> hand delivered <input type="checkbox"/> certified mail

Official Forms are housed in READS

DIARY SAMPLE

NEGOTIATION DIARY
RE2058 10/2018

City of Green Bay

Owner (name; address; phone; etc.) Al Packer & Sue Packer , 123 Lambard Avenue, Green Bay, WI			
Initiation of negotiations date 04/10/2020	Brochure sent date 01/01/2020	60th day to receive owner's appraisal 07/08/2020	1099 amount \$ 30,000
Offering price \$ 25,000	Date approved 03/30/2020	Alternate Offer (A, B) \$ (A) \$ (B)	Date approved (A) (B)
		Administrative settlement \$ 30,000	Date approved 08/10/2020
On 04/10/2020, I, the negotiator, sent/gave the subject property owner a copy of the right of way plat, our appraisal(s), and other required documents.			
Under "REMARKS" below, the Real Estate agent should indicate persons present, attitude of owner, owner's appraisers, owner's attorney, owner's asking price, information regarding buildings, improvements, extended occupancy, fixture apportionment, date to vacate buildings and any pertinent data regarding items such as drainage, driveways, fencing, title lines, wells, dry wells, etc. Remarks are not to be necessarily limited to the foregoing. Use as much space as needed to fully explain details.			

ATE & AGENT	REMARKS
11/01/2019 Abigail E Ringel	I received a copy of the title search dated January 11, 2009 from the engineer. According to the title, the property is owned by Al & Sue Packer and there are no mortgages listed.
01/01/2020 AR	Sent introduction letter Al & Sue Packer at the address listed on the tax bill. The letter included a copy of the brochure entitled "The Rights of Landowners Under Wisconsin Eminent Domain Law", right of way plat, and list of all the owners on the project.
01/03/2020 AR	I called the phone number listed for the Packers and spoke with Al Packer. I introduced myself. I explained I was calling to inform them of an upcoming roadway project impacting their property. Mr. Packer was aware of the upcoming project. He asked if his maple tree would be cut down. I verified which tree we were discussing. As I had already spoken with the project engineers, I was able to tell Mr. Packer that the tree was not within the acquisition area. He said he was relieved. I let Mr. Packer know I had sent a packet of information to him. I told him if he had any questions, he could call me. I verified his phone number and address. I explained that an appraiser would be contacting him to complete and appraisal to determine the damages to his property. I said that was still in progress, but once it was done, I would again contact him. He asked about how long that would be. I indicated the appraiser would be contacting him within the next few weeks and the appraisal process could take several months due to workloads and the review process. He said he would keep my number and call me if he or Sue had any questions.
3/15/2020 AR	Received the appraisal from the consultant. I forwarded it to the LOCAL PUBLIC AGENCY REVIEW APPRAISER for review and approval.
3/30/2020 AR	Received the approved offering price report in the amount of \$25,000.
3/31/2020 AR	I called the Packers. I spoke with Sue. I explained I had the completed appraisal and offering documents to present to them. I asked if she would like to set up a time to meet to go over them and discuss. She said she would check with Al and get back to me.
4/1/2020 AR	Sue Packer called me back. She asked if we could meet on 4/10/2020 at 8:00 am. I said that would work for me and asked if she would be comfortable meeting at their property. She said that would be fine. I confirmed the date and gave her my cell phone number should anything come up.
4/10/2020 AR	I met Mr. and Mrs. Packer at their property. I presented them with the offering price letter in the amount of \$25,000, along with the appraisal, the Appraisal Guidelines and

	<p>Agreement, a highlighted copy of the right of way plat showing the Packer's property, the legal description, a map showing all property affected by project, a list of all of the owner's names along the project to whom offers will be made, a Proposed Agreement for Purchase and Sale of Real Estate, a W-9, draft copy of the warranty deed, Statement to the Construction Engineer, Owner's rights brochure, and my business card. We walked the stakes and discussed the impacts to the property. I explained that the offering price was based on the appraisal report and that they have the right to obtain their own appraisal. The city will reimburse the cost of the appraisal if received within 60 days. The owners indicated the offer was a bit low and said they didn't think the amount for landscaping was enough. I said that I would need additional justification for any increase in value. They asked if they could do that by obtaining their own appraisal. I said that was correct. We discussed that I would need to have the appraisal back by 6/9/2020 for it to be eligible for reimbursement. They thanked me for explaining the offer and said they were going to obtain an appraisal. I thanked them for their time and told them they could continue to contact me with any questions.</p>
6/8/2020 AR	Received owner's appraisal prepared by John Goodmen. The estimated value is \$35,000. The appraisal fee was \$3,500.
6/11/2020 AR	Requested payment for the reimbursement of the owner's appraisal.
6/25/2020 AR	Called to discuss the appraisals with the Packers. Left a voicemail requesting they call me back to discuss.
6/30/2020 AR	<p>AI called me to discuss both appraisals. The main difference between the appraisals is that Mr. Goodmen estimates landscaping damages higher due to the quality and specific landscaping plan. Mr. Goodmen's appraisal also had a higher per acre value for the land. We discussed the two appraisals and the differences and similarities. We came to an agreement that an additional \$5,000 would be reasonable. I told AI this increase is subject to common council approval. I asked if I could email him a purchase agreement for \$30,000 for his and Sue's signature. He agreed. I emailed the purchase agreement.</p> <p>I received a reply email with a signed a purchase agreement for \$30,000.</p>
7/11/2020 AR	<p>Common Council approved the increase.</p> <p>I called the Packers to set up a meeting for closing. We will close on 7/28/2020 at 9:00 am at their residence. I requested a payment request for \$30,061.10 (taxes prorated).</p>
7/18/2020 AR	Received check
7/28/2020 AR	Met with AI and Sue to close. They signed the Warranty Deed (I notarized it), closing statement, W-9, and statement to construction engineer. I gave them the check for \$30,061.10 and the check for the second appraisal reimbursement. They had no questions.
8/3/2020 AR	The original signed deed was sent to the Register of Deeds to be recorded
8/10/2020 AR	Received the recorded deed back from the Register of Deeds.
Abigail Ringel	

CHECKLIST FOR PROJECT DOCUMENTATION – DOCUMENTS TO BE RETAINED BY LOCAL

The project file shall, in the order listed below, include (where applicable) copies of the following

Date	
	Right of Way Plat
	Public Involvement notes/attendance record
	Project Scoping Spreadsheet
	Project Cost Allocation
	Start Up Meeting Notes
	Encroachment Report
	Consultant Contracts
	Project Team Assignments
	Relocation Plan, if applicable
	DSR Approval Letter
	Sales Study (approved)
	Nominal Payment Parcel Report (approved)
	State Municipal Agreement, if applicable
	Memorandum of Understanding
	Project Level Diaries
	Project Level Correspondence
	Estimates
	Invoices (Raze & Remove, Special Studies such as circuitry of travel, etc.)
	Proposals
	Right of Way Certification

All above listed documents should be uploaded into READS project log. However, the official documentation should remain with the LPA per its record keeping practices.

PARCEL FILE CHECKLIST

****W-9s, partial release requests, bank information or personal financial information must NOT be in READS, but retained in Regional paper file location***

Nominal	Appraisal	
		Title Search & all updates
		Staking Photos
		Design Overlays
		Ownership Information Record
		Copy of Introduction (Brochure) Letter
		Signed Nominal Waiver of Appraisal or Donation Waiver of Appraisal
		Appraisal
		Appraisal Review
		Offering Price Report (Approved)
		Initiation of Negotiation Letter
		Checklist of Required Items Provided to Owner
		Alternate Offers
		Owner's Appraisal
		Owner's Appraisal Invoice
		Executed Purchase Agreement
		Admin Revision for all increased offers
		Property Improvement/Remnant Report (copy to Property Management)
		Closing Statement
		Tax proration (all fee acquisitions)
		Executed Conveyance
		*Partial Release or Satisfaction of Mortgage
		Executed Quit Claim Deeds for Other parties of Interest
		*IRS 1099 screen in READS completed
		Signed JO (if condemned)
		Recorded Lis Pendens (if condemned)
		Recorded Award of Damages (if condemned)
		Negotiation Diary (check that info is in there)
		Statement to Construction Engineer (also saved to regional BOX folder)
		Payment Details
		Transfer Return
		Simplifile Receipts
		Recorded Conveyance
		6-month or 2-year conveyance letter
		*W-9 Request
		All READS screens filled in
		All Correspondence
		All certified receipts (identify what they are for)
		All Other Records per Record Retention Policy

All above listed documents should be uploaded into READS parcel log. However, the official documentation should remain with the LPA per its record keeping practices.